

# PATENT COOPERATION TREATY

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

## WRITTEN OPINION (PCT Rule 66)

		Date of mailing (day/month/year)	31.03.2004
Applicant's or agent's file reference R00579.70000 <i>WD00</i>		REPLY DUE	within 3 month(s) from the above date of mailing
International application No. PCT/US 03/25068	International filing date (day/month/year) 11.08.2003	Priority date (day/month/year) 09.08.2002	
International Patent Classification (IPC) or both national classification and IPC A47G7/02			
Applicant RAMIREZ, Steven W.		DOCKETED APR 8 2004	Initials Confirmation Docketing <i>5/31/04 JRP</i> <i>6/3/04</i> <i>12/9/04 ale</i>
<p>1. This written opinion is the <b>first</b> drawn up by this International Preliminary Examining Authority.</p> <p>2. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul> <p>3. The applicant is hereby <b>invited to reply</b> to this opinion.</p> <p><b>When?</b> See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).</p> <p><b>How?</b> By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.</p> <p><b>Also:</b> For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.</p> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p> <p>4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 09.12.2004 <i>ale</i></p>			

Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Beugeling, G.L.H.  Formalities officer (incl. extension of time limits) Viegas da Cruz, I Telephone No. +31 70 340-1923	
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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-27 as originally filed

**Drawings, Sheets**

1/13-13/13 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-13, 15-18, 20-25, 27
Inventive step (IS)	Claims	14
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

Re Item V

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1) Reference is made to the following documents:

D1: EP 0 824 885 A,  
D2: GB 990 705 A,  
D3: EP 1 077 047 A,  
D4: FR 1 271 112 A.

2) The subject-matter of claims 1-13, 15-18, 20-25, 27 is not novel (Article 33(2) PCT) for the following reasons.

2.1) D1 already discloses, see figures 6A, 6B and column 4, lines 2-12, a decorative display apparatus according to present claims 1, 2, 4-6, 8, 11, 12, 17, 21, 24, 25 and 27, in short (using the terms of present claim 1 but referring to D1): support (1, 9), interface (9, 20), magnet (31), magnetically attractive member (32), portion (9) of the interface, vase (1), clamp ((4), figure 3), or alternatively according to present claims 1, 3-6, 9-12, 17, 21 and 23-25: support (20), interface (30, 31, 32), magnet (31), magnetically attractive member (32), vase (1), insulating material (30).

2.2) D2 already discloses, see page 1, lines 59-80 and figure 1, a decorative display apparatus according to present claims 1, 2, 4, 8, 11, 13, 15-18, 20, 21 and 25, in short (using the terms of present claim 1 but referring to D2): support (3, 4), interface (1-3), magnet (1), portion (3) of the interface, sculpting wire (page 1, line 75), item (flower shaped horticultural lamp).

2.3) D3 already discloses, see column 11, lines 11-32 and figure 1, a decorative display apparatus according to present claims 1, 2, 4-6, 8-10, 12, 13, 15, 16 and 21, in short (using the terms of present claim 1 but referring to D3): support (4, 7), interface (2, 3), magnet (2), magnetically attractive member (3), portion (5) of the interface, test tube (7), sculpting wire (4), surface (11).

2.4) D4 already discloses, see figure 1, a decorative display apparatus according to

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present claims 1, 3-5, 7-9, 11, 12, 17, 21, 22 and 25, in short (using the terms of present claim 1 but referring to D4): support (2, 5), interface (3, 4a, 4b, 6), magnet (3), magnetically attractive member (6), surface (7), metallic plate (6), portion (3, 4a, 4b) of the interface, vase (5), pedestal (table (6)).

3) The feature of claim 14 is merely one of several straightforward possibilities from which a skilled person would select a material for the wire, in accordance with circumstances and without the exercise of inventive skill.

4) It appears that the dependencies of claims 17, 20, 26, 27 should read respectively 13-16, 13-16 (2nd dependency), 21-25 and "preceding".